



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 7208

Toshiaki NIWA et al

Group Art Unit: 3661

Serial No.: 10/849,550

Examiner: CHIN, Gary

Filed: May 20, 2004

For: SUSPENSION CONTROL APPARATUS AND
METHOD FOR VEHICLES

RESPONSE TO OFFICE ACTION OF OCTOBER 30, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed October 30, 2006, applicants, by the undersigned attorney, hereby elects species I. It is submitted, as noted by the examiner, that claims 1-8, 10 and 11 read on the elected species I.

The requirement for an election of species is respectfully traversed on the basis that (1) the requirement is incorrectly styled as a requirement for election of species, (2) the additional examination of the other two claims 9 and 12 would place no undue burden on the examiner and (3) the examiner has stated no reason whatsoever in support of his conclusion that what he identifies as "patentably distinct species" are in fact patentably distinct. MPEP section 808.01 states:

"the particular reasons relied upon by the examiner for holding that the inventions as claimed are either independent or distinct should be concisely stated. A

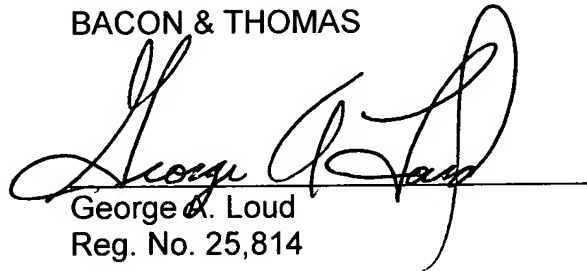
mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given." [emphasis added]

Again, here the examiner stated no reason whatsoever in support of the conclusion. Note that the requirement of MPEP 808.01 applies to election of species covered in section 808.01(a) sub-indented thereunder.

Accordingly, the examiner is respectfully requested to withdraw the requirement for election of species.

Respectfully submitted,

BACON & THOMAS



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November 27, 2006
Date

Atty Dkt: NIWA3003

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